10   LUC-446 / Bostrom 6-7-12

Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance

of all claims pending are respectfully requested. By this amendment, claims 21-22 are added.

These amendments to the claims constitute a bona fide attempt by applicants to advance

prosecution of the application and obtain allowance of certain claims, and are in no way meant to

acquiesce to the substance of the rejections. Support for the amendments can be found

throughout the specification (e.g., page 2, lines 8-10; page 8, lines 7-10; page 12, line 21 to page

13, line 1), figures (e.g., FIG. 2), and claims (e.g., claims 9-10) and thus, no new matter has been

added. Claims 1-22 are pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1-9 and 11-20 were rejected under 35 U.S.C. § 103(a) as allegedly being

unpatentable over Constantinof (U.S. Patent Appl. Pub. No. 2004/0228352) in view of Barak et

al. (U.S. Patent Appl. Pub. No. 2002/0126821; "Barak"). Claim 10 was rejected under 35 U.S.C.

§ 103(a) as being allegedly unpatentable over Constantinof in view of Barak and further in view

of Barnes (U.S. Patent Appl. Pub. No. 2005/0136949). These rejections are respectfully, but

most strenuously, traversed.

Constantinof discloses (Abstract, lines 1-9):

> The present invention provides a session filter associated
> with an element to be protected in a communication network.
> Session requests intended for the protected element are processed
> by the session filter prior to being forwarded to the protected
> element. The protected element or a device associated therewith
> will provide event information indicative of undesirable session
> conditions, such as an overload condition, which necessitates a
> reduction or stoppage of incoming session requests for the
> protected element.

11   LUC-446 / Bostrom 6–7–12

Applicants respectfully submit that Constantinof is directed towards a different problem

of management of traffic through a communication network as a whole. Constantinof discloses

the following:

> The volume of calls in a telephony network significantly
> varies over time, and traditionally, such networks have been
> engineered to support peak traffic levels associated with social or
> business calling patterns. There are, however, certain events that
> will generate traffic patterns that exceed the supported peak levels.
> (paragraph 2, lines 1-6)

> The role of network session controls is to localize the effect
> of unexpectedly high traffic levels or malicious session requests,
> and to maintain the agreed service levels for subscribers.
> (paragraph 3, lines 1-4)

> Accordingly, there is a need to develop a protection mechanism
> that allows service providers to limit or prevent certain session
> requests from being propagated throughout a packet network in an
> efficient manner. (paragraph 4, lines 17-20)

Applicants respectfully submit that the disclosure of Constantinof is directed to a problem

faced by a service provider of a communication network. Constantinof discloses that undesirable

session conditions may include a telephony switch failure, trunk failure, or the like (paragraph

37). Constantinof further discloses session controls as related to throttling call volume to a

telephony switch, such as dynamically reducing the number of trunks available between switches

during overload situations and providing screening in service transfer points in the call signaling

network (paragraph 3). These events may be necessary during mass calling events triggered by

promotional or advertising campaigns, catastrophic events including natural disasters and acts of

war, and denial of service attacks in packet-based networks (paragraph 2).

In contrast, Barak discloses (abstract) call control limitations on individual calls

originated from a telephone line. The user of the telephone line enters a user identifier to allow

outgoing call access (paragraph 12). The call control limitations are not selected by a service

provider, but are instead selected by an authorized user and sent to the service provider (paragraph 23). The authorized user may be a parent, business manager, or school administrator (paragraph 25). Barak discloses call control limitations for individual calls comprising budgetary, time of day, length of call, class of service, geographic limitations, phone number exclusions (paragraph 22).

Constantinof and Barak disclose session controls on different levels of telecommunications. Applying the call controls of Barak (i.e., number exclusions, length of call, time of day, etc) to the system disclosed by Castantinof would further burden the system with additional information to be processed when the system is already in an overload condition. Castastinof teaches away from methods that require additional processing from the overloaded element (paragraph 4). Also, applying the call controls of Castantinof (i.e., dropping calls until the overload is abated, paragraphs 29-30) to the system of Barak would destroy the intended purpose of logging the telephone calls (Barack, abstract). Applicant respectfully submits that the load seen by the telephone line disclosed by Barak (i.e., a telephone line for an end user) is not comparable to a massive volume of calls that would require the dropping of calls to prevent overload, as disclosed by Castantinof.

The Office Action states (page 3) that the motivation for combining Constantinof with Barack is to "enable the users to monitor and/or view the details of only his or her account". As is known in the art, a telephony switch as disclosed by Constantinof is managed by a service provider and accordingly would not have multiple accounts to be maintained, since only the service provider would have access to the telephony switch. To support the motivation suggested by the Office Action, applicants respectfully request a showing in the art that discloses a telephony switch that is shared by a plurality of service providers (e.g., AT&T, Verizon

Wireless, etc.) and has a corresponding plurality of user accounts for the service providers with balances to be monitored.

The Office Action further states that "one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance". However, monitoring the account balance for each call of a large volume of calls handled by a telephony switch would create an additional large processing burden on the telephony switch. As described above, Constantinof teaches away from performing additional processing tasks on the telephony switch.

Since the intended purposes of both Constantinof and Barack would be compromised by their combination, one skilled in the art would not be motivated to perform the combination. In addition, the motivations provided by the Office Action lack relevance when applied to Constantinof.

Accordingly, applicants respectfully submit that the §103a combination cited in the Office Action is improper.
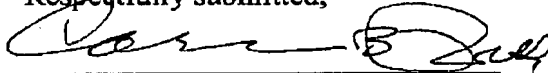
Withdrawal of the § 103 rejections is therefore respectfully requested.

14   LUC-446 / Bostrom 6-7-12

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested.   If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,

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